

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TONY DPHAX KING, Jr.,	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION
	:	NO. 10-02537
	:	
CITY OF PHILADELPHIA, et al.,	:	
Defendant.	:	
	:	

ORDER

AND NOW, this 25th day of January 2012, upon review of Defendant's Motion to Dismiss the Second Amended Complaint [Doc. No. 31] and Plaintiff's Response thereto [Doc. No. 32], and for the reasons set forth in the attached memorandum opinion, it is hereby **ORDERED** the Motion is **DENIED** without prejudice to Defendant's right to raise the statute of limitations defense again, after discovery, in a Motion for Summary Judgment.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.